

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON

JAMES SLAMON,

:

v.

Plaintiff,

:

3:16-CV-2187

(JUDGE MARIANI)

CARRIZO (MARCELLUS) LLC, et al.,

:

Defendants.

:

PER gjw

DEPUTY CLERK

JUL 27 2018

ORDER

AND NOW, this 27th day of JULY, 2018, upon consideration of Plaintiff's Motion for Expedited Emergency Relief Pursuant to Federal Rule of Civil Procedure 23(d) (Doc. 43), and all related briefing and documents, for reasons set forth in the accompanying memorandum opinion, it is hereby ORDERED that:

1. Plaintiff's Motion (Doc. 43) is GRANTED AS MODIFIED, such that:

- a. Defendants BKV Operating LLC and BKV Chelsea LLC (collectively "BKV") shall provide Plaintiff's counsel with (a) the identity of all putative class members to whom BKV sent the disputed communication at issue in Plaintiff's Motion and (b) a copy of all such communications, within 14 days of this Order.
- b. BKV shall send the proposed curative notice (as set forth in Doc. 58-1 in full) to all putative class members to whom BKV has sent the disputed communication at issue in Plaintiff's Motion, except that the deadline for responding to BKV's

settlement offers shall be extended to **August 31, 2018**. All other aspects of the proposed curative text (Doc. 58-1) shall remain the same.

- c. Any previously executed cover letter, Full and Final Release, and/or Lease Amendment and Ratification (the "Materials") that any putative class member executed and returned to BKV is hereby declared **not enforceable** unless and until the class member re-signs and returns the Materials after receipt of the proposed curative notice.
 - d. All parties are hereby **enjoined** from sending any misleading or materially incomplete communications to putative class members in the future.
2. For the reasons set forth in the accompanying memorandum opinion, parties may continue to engage in communications with putative class members that occur in the ordinary course of business, such as annually scheduled "Landowner Town Hall Meetings." Docs. 62, 63. However, parties shall be prohibited from engaging in any misleading or confusing communications regarding the pending action, including, but not limited to, discussing any potential settlement offers without referencing putative class members to the curative notice to be sent by BKV.



Robert D. Mariari
United States District Judge